

**Alphonse D. Bartelloni, Esq. - Attorney ID#: 031482000**  
**BIRKHOLD & MAIDER, LLC**  
**189 Franklin Avenue, Suite 1**  
**Nutley, NJ 07110**  
**Phone: 973-947-4670**  
**Attorneys for Plaintiff,**

ANGELA SANCHEZ,  
Plaintiff,  
v.  
BJ'S WHOLESALE CLUB, INC., JOHN  
DOE 1-10 (fictitious name representing an  
unknown individual) and ABC  
CORPORATIONS 1-10 (fictitious name  
representing an unknown corporation)  
Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-L-

CIVIL ACTION

**COMPLAINT AND JURY DEMAND**

Plaintiff, ANGELA SANCHEZ residing 137 North 9<sup>th</sup> Street, Newark, County of Essex,  
State of New Jersey, individually, by way of Complaint against the defendants, say:

**FIRST COUNT**

1. On or about, March 18, 2019 and for some time prior thereto, defendant(s), BJ'S WHOLESALE CLUB, INC., hereafter referred to as "BJ'S", was/were the sole owner(s), management company(ies) and/or was/were in the sole control and/or management and/or was/were otherwise responsible for the general condition, safety, upkeep and overall maintenance of the premises commonly known as BJ'S, 180 Passaic Avenue, Kearny, County of Hudson, State of New Jersey.

2. On or about March 18, 2019, JOHN DOE 1-10 (fictitious names representing unknown individuals) ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) were individuals, corporations, maintenance company(ies), manufacturers, sole

proprietors, agents representatives or other persons whose identity is currently unknown and who individually or in conjunction with all other defendants aforementioned contributed to the injuries which are the subject matter of this Complaint.

3. On the date aforesaid, defendant(s) BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) by and through its/their employee(s), agent(s), representative(s) and/or assign(s), defendant(s), failed to properly maintain, inspect and/or repair the aforementioned premises. Specifically, the plaintiff ANGELA SANCHEZ was caused to be severely injured as a result of a fall over pallets left in the aisle which created a dangerous condition at or near the BJ'S, 180 Passaic Avenue, Kearny, County of Hudson, State of New Jersey. As a result, plaintiff was caused to sustain severe and permanent personal and bodily injuries.

4. On the date aforesaid, defendant(s) BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) were negligent in the overall care, management, maintenance, repair of the premises and otherwise failed to keep said premises in a safe condition, free of hazards or objects that presented a hazard, so that persons of the general public or business invitees, and especially the plaintiff, when in the area, would not be injured. The defendant(s), BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) breached that duty by failing to maintain, inspect and/or repair its/their/the aforesaid premises and was/were otherwise careless, reckless and/or negligent in allowing this dangerous, hazardous and/or unsafe condition to exist and/or remain. Without warning the plaintiff of this dangerous, hazardous and/or unsafe condition, defendant(s), BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious

names representing unknown corporations) permitted and invited the plaintiff to use the aforesaid premises, causing the plaintiff ANGELA SANCHEZ, to sustain serious and permanent injuries.

5. As a direct and proximate result of the defendant(s) failure to properly maintain, inspect and/or repair the aforesaid premises and to keep same free of hazards or hazardous conditions and to otherwise protect against the injury(ies) herein complained of plaintiff ANGELA SANCHEZ, was caused to be struck, fall and be severely injured due to a dangerous condition at or near a partial door or other similar opening and did then and there receive severe and permanent injuries and incurred considerable medical expenses, in being examined and treated for his/her injuries and was/were prevented from performing his/her/their usual activities.

6. Defendants BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) were negligent in that a) created or allowed a foreseeable and/or dangerous condition to exist b) failed to maintain their property free of hazards c) failed to place warning signs or other notifications of a dangerous condition; d) allowed a hazardous condition to exist e) otherwise behaved in a careless, reckless and negligent manner so as to cause the plaintiff to sustain serious and permanent injuries.

7. By reason thereof, plaintiff ANGELA SANCHEZ, has/have incurred and will incur loss of income and medical expenses for treatment of said injuries.

WHEREFORE, plaintiff ANGELA SANCHEZ, demands Judgment against the defendants, BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations), jointly, severally and in the alternative for:

- a) Compensatory damages;

- b) Prejudgment interest;
- c) Costs of suit; and
- d) For such other relief as the Court may deem just and equitable.

### **SECOND COUNT**

1. Plaintiff repeats each and every allegation contained in the First Count of the Complaint and Jury Demand and incorporates the same by reference as if fully set forth herein.

2. The manner in which defendant(s) BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) maintained, inspected and otherwise allowed a dangerous condition, to exist upon the premises so that it constituted a nuisance.

3. As a result, plaintiff was caused to be injured and suffer great pain, discomfort, anguish, anxiety, medical and other expenses, damage and permanent damage, and will in the future continue to suffer all of the above.

WHEREFORE, plaintiff ANGELA SANCHEZ demands Judgment against the defendants, BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) jointly, severally and in the alternative for:

- a) Compensatory damages;
- b) Prejudgment interest;
- c) Costs of suit; and
- d) For such other relief as the Court may deem just and equitable.

### **THIRD COUNT**

1. Plaintiff repeats each and every allegation of the First and Second Counts of this Complaint and Jury Demand and incorporates the same by reference as if fully set forth herein.

2. At all times relevant hereto the aforesaid Defendant(s), BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) had actual and/or constructive notice of the dangerous, hazardous, and/or unsafe condition of the aforesaid premises, and of the fact that the condition was such that it constituted a nuisance, but failed to take proper precautions to make this area reasonably safe for business invitees and persons of the general public including but not limited to plaintiff ANGELA SANCHEZ whose injuries were reasonably foreseeable.

3. As a result, plaintiff ANGELA SANCHEZ was caused to slip, trip and/or otherwise fall due to a dangerous condition at the BJ'S store located at or near 180 Passaic Avenue, Kearny, County of Hudson, State of New Jersey and as a result suffered great pain, discomfort, anguish, anxiety, and medical and other expenses, damages and permanent damage, and will in the future continue to suffer all of the above.

WHEREFORE, plaintiff ANGELA SANCHEZ, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) jointly, severally and in the alternative, for:

- a) Compensatory damages;
- b) Prejudgment interest;
- c) Costs of suit; and
- d) For such other relief as the Court may deem just and equitable.

#### **FOURTH COUNT**

1. Plaintiff repeats each and every allegation of the First through Third Counts of this Complaint and incorporates the same by reference as if fully set forth herein.

2. On or about March 18, 2019 Defendant(s), BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) by and through its/their employee(s), agent(s), representative(s) and/or assign(s), was/were responsible for the inspection and/or repair of BJ'S at the premises located at or near 180 Passaic Avenue, Kearny, County of Hudson, State of New Jersey.

3. Defendant(s), BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) performed its/their work in such a careless, reckless and/or negligent manner so as to create a dangerous, hazardous and/or unsafe condition which caused the plaintiff to sustain serious and permanent injury.

4. As a result of said defendant(s) negligence, recklessness and/or carelessness, plaintiff sustained severe and permanent bodily injury, suffered great pain and was unable to perform her usual duties and occupation and was compelled to obtain medical aid and treatment in an endeavor to alleviate and/or cure her injuries.

5. By reason thereof, plaintiff ANGELA SANCHEZ also incurred and did sustain damage for medical expenses and loss of income.

WHEREFORE plaintiff ANGELA SANCHEZ demands Judgment against the defendants, BJ'S, JOHN DOE 1-10 (fictitious names representing unknown individuals) and ABC CORPORATIONS 1-10 (fictitious names representing unknown corporations) jointly, severally and in the alternative, for:

- a) Compensatory damages;
- b) Prejudgment interest;
- c) Costs of suit; and
- d) For such other relief as the Court may deem just and equitable.

**BIRKHOLD & MAIDER, LLC**  
Attorneys for Plaintiff



By: \_\_\_\_\_  
Alphonse D. Bartelloni, Esq.  
Attorney ID#: 031482000

Dated: January 20, 2021

**CERTIFICATION PURSUANT TO R. 4:5-1**

I hereby certify that the matter in controversy is not the subject of any other action pending in any court or arbitration proceeding, nor is any other action or arbitration proceeding contemplated.

I further certify that there is/are no other parties who should be joined in the within action.

**BIRKHOLD & MAIDER, LLC**  
Attorneys for Plaintiff



By: \_\_\_\_\_  
Alphonse D. Bartelloni, Esq.  
Attorney ID#: 031482000

Dated: January 20, 2021

**DESIGNATION OF TRIAL COUNSEL**

Please take notice that pursuant to R. 4:25-4, Alphonse D. Bartelloni, ESQ., is hereby designated as trial counsel in this matter.

**BIRKHOLD & MAIDER, LLC**  
Attorneys for Plaintiff



By: \_\_\_\_\_  
Alphonse D. Bartelloni, Esq.  
Attorney ID#: 031482000

Dated: January 20, 2021

**JURY DEMAND**

The plaintiff hereby demands a jury trial as to each and every issue in this action so triable.

**BIRKHOLD & MAIDER, LLC**  
Attorneys for Plaintiff



By: \_\_\_\_\_  
Alphonse D. Bartelloni, Esq.  
Attorney ID#: 031482000

Dated: January 20, 2021

# Civil Case Information Statement

## Case Details: ESSEX | Civil Part Docket# L-000500-21

**Case Caption:** SANCHEZ ANGELA VS BJS WHOLESALE CLUB, INC.

**Case Initiation Date:** 01/20/2021

**Attorney Name:** ALPHONSE DONALD BARTELLONI

**Firm Name:** BIRKHOLD & MAIDER LLC

**Address:** 189 FRANKLIN AVE STE 1

NUTLEY NJ 07110

**Phone:** 9739474670

**Name of Party:** PLAINTIFF : SANCHEZ, ANGELA

**Name of Defendant's Primary Insurance Company**  
(if known): None

**Case Type:** PERSONAL INJURY

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**  
**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Are sexual abuse claims alleged by:** ANGELA SANCHEZ? NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

01/20/2021  
Dated

/s/ ALPHONSE DONALD BARTELLONI  
Signed